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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,502	10/27/2000	Nereida Maria Menendez	285277-00018	6442

7590 11/03/2004

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EXAMINER

VIG, NARESH

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/698,502

Applicant(s)

MENENDEZ ET AL.

Examiner

Naresh Vig

Art Unit

3629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-18.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

In response to applicant's argument that cited references do not teach completing and storing electronic rental agreement based upon accepted rental proposal without completing handwritten rental agreement". On page 32, line 47 in originally filed application on 27 October 2000, applicant recites "By employing an electronic signature in the exemplary online rental process, the storage and retrieval of the electronic rental agreement and rental-related information is accomplished without printing, hand initialing, hand signing and scanning a physical rental agreement document.". Applicant claim does not add limitations to meet the requirements of the electronic rental agreement without completing handwritten rental agreement as disclosed in the application.

In response to applicant's argument that there is cited references teaches reservation agreement which is different than electronic agreement. On page 29, line 8 in originally filed application on 27 October 2000, applicant recites " 'Accept' button 480 acts as the customer's electronic signature, which electronically accepts the terms and conditions of the rental proposal, and other related information of the rental agreement." Cited references teach to allow customers to accept rental proposals.

In response to applicant's argument that cited references do not teach storing electronic rental agreement based upon an accepted rental proposal. Electronic rental agreement and acceptance of rental proposal has been responded to earlier. Cited references teach storing of electronic agreements.

In response to applicant's argument that cited references does not teach customer can modify information from master rental agreement without modifying the master rental agreement. On page 29, line 8 in originally filed application on 27 October 2000, applicant recites "It is known to provide a master rental proposal and to accept such proposal, in handwriting, in order to provide a master rental agreement, such as a car rental club agreement". Cited references teach rental clubs, and, customers can use some or all of the information contained in your rental profile.

In response to applicant's argument that cited references does not teach rental proposal is electronically signed. On page 29, line 8 in originally filed application on 27 October 2000, applicant recites " 'Accept' button 480 acts as the customer's electronic signature, which electronically accepts the terms and conditions of the rental proposal, and other related information of the rental agreement." Cited references teach to allow customers to accept rental proposals (electronically signed).

In response to applicant's argument that Coutts et al., which discloses an automated teller machine system, has nothing to do with any electronic rental agreement, reservation-related information or rental-related information, and adds nothing to Hertz-11 and Avis to render Claim 1 unpatentable. However, Coutts et al. teaches the idea of storing customer transaction record in the system (historical data), employing a technique in which aspects of each user's previous behaviour and transactions are recorded and are then used to predict what that user's probable requirements will be in future transactions.

In response to applicant's argument that stored flag indicates that the recited accepted rental proposal is electronically signed. On page 29, line 8 in originally filed application on 27 October 2000, applicant recites " 'Accept' button 480 acts as the customer's electronic signature, which electronically accepts the terms and conditions of the rental proposal, and other related information of the rental agreement." Cited references teach to allow customers to accept rental proposals (electronically signed). Cited reference teach customers can retrieve, modify, cancel reservation agreements. What kind of data is being stored on the database, this is considered to be non-functional descriptive material that does not distinguish (define) over the applied prior art. Official notice it taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that business are known to use flags to keep track of transactions (e.g. active, closed pending). The prior art stores data and is fully capable of storing the claimed type of data, this is the extend to which weight will be given to the claimed data. When descriptive material is not functionally related to the article, the descriptive material will not distinguish the invention from the prior art in terms of patentability, In re Gulack, 217 USPQ 401 (CAFC 1983).